

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 7, 2003

D040962 People v. Powell

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D041501 The Ronald Bonaguidi Irrevocable Insurance Trust v. O'Connor

D041771 Bonaguidi v. O'Connor

The stipulation of the parties filed on April 4, 2003, to consolidate the above-entitled appeals is accepted.

D039129 Mendoza v. Lane et al.

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., O'Rourke, J.

D038024 Mitchell v. Shain

Judgment affirmed. Respondent to recover his costs on appeal. Benke, J.; We Concur: Haller, J., O'Rourke, J.

D038182 Henson, etc. v. Telebrands Corporation et al.

The court has been advised that the bankruptcy court has confirmed the chapter 11 reorganization plan of Respondent Telebrands Corporation. This court's stay order of August 1, 2001, is accordingly vacated as to Telebrands Corporation. The stay remains as to Respondent Kmart Corporation. The appeal is dismissed as to Telebrands.

D039274 Sznyer et al. v. California Food Plan, Inc., et al.

The petition for rehearing/publication is denied.

D041906 Monte S. v. Superior Court of San Diego County/San Diego County Health & Human Services Agency

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 8, 2003

D038170 Swann v. DaimlerChrysler Motors Corporation

D039277 Swann v. DaimlerChrysler Motors Corporation

(consolidated) The judgment and order are affirmed. Kremer, P.J.; We Concur: Benke, J., O'Rourke, J.

D041713 In re Coates on Habeas Corpus

The petition is denied.

D041711 In re Gonzales on Habeas Corpus

The petition is denied.

D041768 Preszler v. Murphy/Hunking

Pursuant to California Rules of Court, rule 8, the appeal filed February 26, 2003, is dismissed for appellant's failure to timely designate the record.

D040373 Balance Centers of America, Inc., et al. v. Pars Sorrento Valley Science Park I, LLC.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D041884 In re Gesse on Habeas Corpus

The petition is denied. The request to consolidate this petition with D041885 is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 9, 2003

D038414 Smith v. Hawthorne Machinery Company et al.

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Haller, J.

D039637 People v. Shelton

The judgment is affirmed except the conviction for possessing a stolen vehicle is struck. The trial court shall amend the abstract of judgment and advise the Department of Corrections of the amendment.

Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D038758 People v. Gallagher

The judgment is affirmed. McConnell, J.; We Concur: Kremer, P.J., Benke, J.

D038953 People v. Escalante

The judgment is affirmed. Aaron, J.; We Concur: Kremer, P.J., Benke, J.

D038843 Johnson v. Lones

Judgment affirmed. Johnson to bear costs on appeal. Haller, J.; We Concur: Kremer, P.J., O'Rourke, J.

D039392 Acuna v. Gourley

The judgment is reversed with directions that the superior court enter an order denying Acuna's petition for writ of mandate and reinstating the DMV's suspension order. O'Rourke, J.;

We Concur: Huffman, Acting P.J., McIntyre, J.

D038980 Gutierrez et al. v. City of San Diego

The order is affirmed. McConnell, J.; I Concur: McDonald, J., I Dissent: Nares, J. (opinion)

D040531 In re Angel J., a Juvenile

Judgment affirmed. McDonald, J.; We Concur: Kremer, P.J., Huffman, J.

D037910 In re Conservatorship of Listenbee

The appeal is dismissed. McDonald, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D041379 Thorn et al. v. Superior Court of San Diego County/Pacific Millennium Trading Corporation

Let a writ issue directing the superior court to enter judgment for Colliers. Colliers is awarded costs on appeal. This opinion is made final immediately as to this court. McConnell, J.;

We Concur: McIntyre, Acting P.J., O'Rourke, J.

D039907 People v. Wilson

The judgment is set aside for the limited purpose of providing Wilson a hearing on his application to withdraw his guilty plea. The court is directed to hold a hearing on the application. If the court denies the application, the judgment shall be reinstated. McDonald, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D041537 Sunshine Communications Inc. et al. v. Superior Court of San Diego County/Andrade et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 9, 2003 (Continued)

D041307 Esser v. UBS Painewwbbber, Inc.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).
The appeal is dismissed.

D041688 Forsley v. P&D Consultants, Inc.

The appellant having failed to timely designate the record, and having failed to timely pay the filing fee,
the appeal is dismissed.

D041415 In re Rhodes on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 10, 2003

D041583 M.B. v. Superior Court of San Diego/San Diego County Health and Human Services Agency

The petition is denied. Huffman, Acting P.J.; We Concur: Nares, J., McConnell, J.

D039655 In re the Marriage of O'Brien

Appeal dismissed. Appellant to bear costs on appeal. Haller, Acting P.J., We Concur: O'Rourke, J., McConnell, J.

D038541 People v. Medina

The judgment is affirmed. Kremer, P.J.; We Concur: Haller, J., McConnell, J.

D041889 Ciliberto et al. v. San Diego County Superior Court/Pruitt

The petition is denied.

D039199 People v. Murillo

The judgment is affirmed. McConnell, J.; We Concur: Kremer, P.J., Haller, J.

D041649 Jimenez v. Lie et al.

The respondent's motion to dismiss the appeal is granted. The appeal is dismissed.

D039509 Maheshwari v. Governing Board of Sharp Memorial Hospital

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D039971 People v. Buller

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D041242 People v. Carroa

Judgment affirmed. Haller, J.; We Concur: Kremer, P.J., Benke, J.

D039774 People v. Lambert

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D040835 In re John T., a Juvenile

The order is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D040443 People v. Suleiman

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D040615 In re James I., a Juvenile

The restitution order is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 10, 2003 (continued)

D041803 Wendy G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Wendy G. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D041405 In re Buller on Habeas Corpus

Buller has not presented prima facie evidence that his trial counsel was incompetent. The petition for a writ of habeas corpus is denied.

D039048 People v. Wright

The judgment is reversed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D040398 People v. Latham

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D040747 In re Trayvon K., a Juvenile

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Huffman, J.

D041623 In re Roberto P., a Juvenile

The appeal is dismissed.

D040218 Goins v. County of San Diego et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 11, 2003

D039512 In re Jorge Luis G., a Juvenile

The order is affirmed. Haller, J.; We Concur: O'Rourke, J., McConnell, J.

D041507 In re Stanley on Habeas Corpus

The petition is denied.

D041748 Levitz, Zacks & Ciceric Accountants, Inc., et al. v. Superior Court of San Diego County/Basney

The petition is denied.

D041926 Sharon S. v. Superior Court of San Diego County/Annette F. et al.

The petition and request for stay are denied.

D041511 In re Cottrell on Habeas Corpus

The petition is denied.

D041541 In re Outten on Habeas Corpus

The petition is denied.

D041886 People v. Schwartz

The letter received from defendant on April 1, 2003, is deemed a petition to transfer under California Rules of Court, rule 64(a). The petition is denied as untimely. (Cal. Rules of Court, rule 64(b) & 107(a)(1).)

D041954 Willis v. Superior Court of San Diego County/Willis

The petition is denied.